

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 08-cr-28-01-SM

Tut Agistino Wegn

NOTICE OF RULING / ORDER

Re: Document No. 40, Motion to Reconsider

Ruling: While it is true that "120 months" is not a "range" in the normal understanding of the term, still, for Sentencing Guidelines purposes it is indeed a "range" consisting of one point. And, while a motion brought under 18 U.S.C. ss 3553(e) permits the court to impose a sentence (for limited reasons) below the minimum period dictated by statute, the mandated minimum is not thereby changed, relief from the mandate is merely allowed for the purposes specified - that is, the minimum remains the "guideline range." Accordingly, the applicable range was not

altered or lowered by the referenced retroactive guideline amendment, and relief under that amendment is not available to the petitioner. The motion for reconsideration is necessarily denied.

So ordered.

/s/ Steven J. McAuliffe
United States District Court

Date: March 12, 2012

cc: Tut Agistino Wegn
Bjorn R. Lange, Esq.
Debra Walsh, Esq.
Don Feith, Esq.